

DRAFT ENVIRONMENTAL ASSESSMENT

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Beaver Lodge Fishing Access Site Land Exchange

REPORT

Montana Fish, Wildlife & Parks
May 1999

DRAFT

MEPA/NEPA/HB495 CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. **Type of Proposed State Action** Land exchange involving two fishing access sites (FAS) on Rock Creek, north of Red Lodge. Dispose of 0.67 acres at Beaver Lodge FAS in exchange for 0.329 acres adjacent to Black Diamond FAS allowing access to existing 2.14 acres. Construct parking area for 2-3 vehicles, erect signs, and fence the perimeter of entire Black Diamond FAS property.
2. **Agency Authority for the Proposed Action** General Exchange Act of 1922; Federal Land Policy and Management Act of 1976; Federal Aid in Sport Fish Restoration Act of 1950, as amended (Wallop-Breaux); and sections 87-1-201 and 209, and 87-1-605, MCA.
3. **Name of Project** Beaver Lodge FAS Land Exchange
4. **Name, Address and Phone Number of Project Sponsor (if other than the agency)** Montana Fish, Wildlife & Parks (MFWP) sponsored.

5. **If Applicable:**

Estimated Construction/Commencement Date: January 1999

Estimated Completion Date: December, 1999

Current Status of Project Design (% complete): 50%

6. **Location Affected by Proposed Action (county, range and township)**

Please refer to General Location Map, Appendices 2-7.

Beaver Lodge FAS: approximately 6 ½ miles north of Red Lodge on Highway 212, ½ mile E on county road, then 1 mile south on county road. Carbon County, T6S, R20E, Section 35. Total site acreage = 59.95 acres.

Parcel to be exchanged (Tract 6) is at far south west end of Beaver Lodge FAS off Highway 212: Certificate of Survey #157, measuring approximately 30' x 981' or 0.67 acres.

Beaver Lodge Replacement Property at Black Diamond FAS: approximately 1 mile south of Joliet on Highway 212, Carbon County, T4S, R22E, SW ¼ NW ¼ of Section 22. Total acreage = 0.329 acres.

Black Diamond FAS: approximately 1 mile south of Joliet on Highway 212, Carbon County, T4S, R22E, SE ¼ NW ¼ of Section 22. Total acreage = 2.14 acres.

7. Project Size: Estimate the number of acres that would be directly affected that are currently:

- | | |
|---------------------------|------------------------------|
| (a) Developed: | (d) Floodplain |
| residential | 3 acres |
| industrial | |
| (b) Open Space/Woodlands/ | (e) Productive: |
| Recreation | irrigated cropland |
| 0.67 acres | dry cropland |
| | forestry |
| (c) Wetlands/Riparian | rangeland |
| Areas | other |
| 0.20 acres | |

8. Map/site plan: attach an original 8 1/2" x 11" or larger section of the most recent USGS 7.5' series topographic map showing the location and boundaries of the area that would be affected by the proposed action. A different map scale may be substituted if more appropriate or if required by agency rule. If available, a site plan should also be attached.

See attached Appendices 2 - 7.

9. Narrative Summary of the Proposed Action or Project including the Benefits and Purpose of the Proposed Action.

Beaver Lodge FAS (59.95 acres) was purchased by MFWP in 1960 using Federal Aid in Sport Fish Restoration funds under project F-22-L. The original intention was to develop an entrance directly from Highway 212 at the southwest end of the site (Tract 6 as seen on Location Map, Appendix 3, and Certificate of Survey, Appendix 5). The site entrance was in fact developed at a different location, entering the site from the county road to the east which accesses other fishing access sites up- and down-stream from Beaver Lodge FAS. In addition, the Northern Pacific Railroad was abandoned in 1987 and MFWP lost direct access to Highway 212, thus rendering the idea of an access road infeasible at the original western location and Tract 6 has been disregarded.

A KOA Campground was developed adjacent to the FAS about 1972. The previous owners expanded the facilities onto Tract 6 owned by MFWP. This inadvertent encroachment was not discovered by either party until the campground was surveyed for sale in 1997. Part of a new road system, two full hook-up sites (water, electricity, sewer), and four over-flow sites are located on Tract 6, in the encroachment parcel. The campground provides a total of about 70 tent and trailer camping sites.

MFWP cannot allow continued encroachment on Beaver Lodge Fishing Access Site without risking further Federal Aid in Sport Fish Restoration (Wallop-Breaux) apportionments to Montana.

The current KOA owners (Walsh) have proposed to mitigate the encroachment by replacing Tract 6 of Beaver Lodge FAS with property of equal value, both in fisheries and recreational value, to MFWP and in fair market appraisal value. In exchange, KOA will obtain ownership of this 30' x 981' strip on which the campground facilities occur.

Fifteen miles north of Beaver Lodge FAS, Black Diamond FAS is inaccessible to the public without trespassing across private land. The Northern Pacific Railroad right-of-way lies between the southern property line of Black Diamond FAS and Highway 212. Please refer to Appendix 6. The railroad was abandoned in 1987, at which time the landowner north of Rock Creek purchased the railway right-of-way parcel. MFWP purchased the 2.14 acre fishing access site in 1993 with the understanding that the seller (McVey) had filed papers to acquire the railroad right-of-way. This was not true, and current access to the public FAS is blocked. The current owner (Isto) is unwilling to sell or exchange for this railway right-of-way between the FAS and the highway. A second adjacent landowner to the southwest of Black Diamond FAS (Craig) has agreed to sell a small parcel (0.329 acres to be acquired through this proposed land exchange) which would allow off-highway parking and legal access to the FAS via Rock Creek's high water lines.

It is proposed that the KOA owner will purchase the Craig's property and exchange it (with additional cash, if necessary) for the appraised value Tract 6 at Beaver Lodge FAS. The Craig's property will be referred to as the Beaver Lodge Replacement Property throughout this EA.

Upon completion of the proposed land exchange, improvements to Beaver Lodge Replacement Property would be pursued. An off-highway, gravel parking area for two to three vehicles is essential for public safety and to comply with Montana Department of Transportation regulations which do not allow parking on the highway right-of-way. The entire FAS (existing Black Diamond FAS and the Replacement Property) would be fenced to discourage public trespass onto neighboring land, and to prohibit neighboring cattle from entering this small riparian area. MFWP fishing access site highway signs would be erected near the parking area entrance and a MFWP regulations sign posted within the site. If future visitation would increase significantly, a vault latrine *may be* installed to maintain a sanitary and healthful environment, though this is undesirable at this time due to the proximity to the highway and possible use by travelers rather than specific FAS users.

Rock Creek is a valuable resource to a number of wading and bank anglers at both Beaver Lodge FAS and Black Diamond FAS. Fish populations were last estimated in April, 1995 with 571 brown trout/mile and 825 brown trout/mile age two and older near the respective locations. Rainbow numbers are significantly lower, with 161 rainbows/mile estimated in the upper Beaver Lodge FAS area and few in the Black Diamond area. Brown trout, however, withstand angling pressure, and this population is not expected to be impacted significantly with an increase in visitation at Black Diamond FAS. Whitefish populations are strong in both areas. Rock Creek is a stream of extremes, suffering severe high water affects in the spring, and often is below normal flows in summer due to heavy irrigation.

Recreational use of Region 5 (Billings) fishing access sites was surveyed by MFWP in 1998 (*Fishing Access Visitation Sampling and Surveying, Summer 1998*, Farrell, J.) in which Beaver Lodge FAS was included. The data may be incomplete (small sample size), however it does indicate that use is varied, ranging from shore and wade fishing and viewing wildlife, to picnicking, sunbathing, and swimming. Similar use is expected at Black Diamond FAS. Use was also surveyed by resident and non-resident, with a ratio of nearly 60:40 at Beaver Lodge FAS. It is difficult to predict use at Black Diamond FAS, but with the availability of a parking area near the highway, it is possible that the percentage of non-resident use would be higher than that at Beaver Lodge.

(a) **Permits:** All construction permits will be filed 3-4 weeks prior to installation.

Vault latrine installation, if necessary:
Carbon County Sanitarian Floodplain sealed vault
septic system permit

Agency Name	Funding Amount
Dispose of Beaver Lodge FAS Tract 6 MFWP	- \$
Purchase Beaver Lodge Replacement Property: KOA Campground	\$
Sport Fish Restoration Funds	\$
TOTAL	\$ 0.0

Agency Name	Type of Responsibility
State Historical Preservation Office	Cultural Clearance
US Fish & Wildlife Service, Federal Aid Division - Sport Fish Restoration Funds land exchanges approval	

Montana State Historical Preservation Office (SHPO)
US Fish and Wildlife Service (USFWS)
Natural Resources Conservation Service, Carbon County
Department of Natural Resources Conservation, Helena office (DNRC)
Army Corps of Engineers, Billings office

PART II. ENVIRONMENTAL REVIEW

PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u> Will the proposed action result in:	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
► a. Soil instability or changes in geologic substructure?		X				1a.
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil which would reduce productivity or fertility?			X			1b.
► c. Destruction, covering or modification of any unique geologic or physical features?			X			1c.
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				1d.
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				
f. Other <u>N/A</u>						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

1a. No changes in the soil stability or geologic substructure will occur due to the foreseeable use of the exchanged parcels.

1b. Construction of the approach and parking area at the Beaver Lodge Replacement Property will require covering soil and vegetation in the highway right-of-way and railroad right-of-way.

1c. The parking area (approximately 100' x 120') will obscure a small section of the raised railroad bed elevation at the Beaver Lodge Replacement Property. This right-of-way was granted in 1887.

1d. Both sides of the Rock Creek channel at the Black Diamond FAS and Beaver Lodge Replacement Property are stabilized with large amounts of rip-rap due to construction of the railroad right-of-way and the Highway 212 road and bridge downstream. No alterations are proposed to the stream banks or channel at this time.

Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

► Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

◆ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

◆◆ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

PHYSICAL ENVIRONMENT

2. <u>AIR</u> Will the proposed action result in:	IMPACT ^o				Can Impact Be Mitigated ^o	Comment Index
	Unknown ^o	None	Minor ^o	Potentially Significant		
▶ a. Emission of air pollutants or deterioration of ambient air quality? (also see 13 (c))			X		yes	2a.
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. ♦For P-R/D-J projects, will the project result in any discharge which will conflict with federal or state air quality regs? (Also see 2a)		X				
f. Other <u>N/A</u>						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Air Resources (Attach additional pages of narrative if needed):

2a. The construction of a small gravel parking area at the Beaver Lodge Replacement Property will cause higher dust levels during the brief construction period. The parking area will be graded and compacted to reduce blowing dust. Minimal amounts of dust may occur from summer visitation, however due to the small size of the parking area, vehicular speeds will be low, minimizing rising dust.

- ▶ Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.
- ▶ Include a narrative description addressing the items identified in 12.8.604-1a (ARM)
- ♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- ♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

PHYSICAL ENVIRONMENT

3. <u>WATER</u> Will the proposed action result in:	IMPACT ^o				Can Impact _o Be Mitigated ^o	Comment Index
	Unknown ^o	None	Minor ^o	Potentially Significant		
► a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?		X				3a.
b. Changes in drainage patterns or the rate and amount of surface runoff?			X		yes	3b.
c. Alteration of the course or magnitude of flood water or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?			X		yes	3h.
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. ♦♦For P-R/D-J, will the project affect a designated floodplain? (Also see 3c)			X		yes	3l.
m. ♦♦For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a)		X				
n. Other: <u>N/A</u>						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Water Resources (Attach additional pages of narrative if needed):

3a. No discharge into, or alteration of, surface water quality will occur due to this project.

3b. Creation of a small parking area will alter drainage patterns slightly due to a new culvert in the highway/railroad right-of-way. The new approach culvert will connect to an existing approach culvert northeast of the proposed Beaver Lodge Replacement Property. All state highway guidelines and permits will be followed to ensure proper size and placement of culvert for drainage considerations.

3h. Concentrated use by campers in the KOA Campground does increase the risk of contamination of small surface irrigation ditches on the property and or groundwater if sewer malfunctions occur. Newer camp sites encroaching on the FAS do provide full hookups, including sewer. Spills are possible, but uncommon, when campers hook-up/disconnect lines, waste water disposal, etc. This activity was occurring before the encroachment was known by either party with no known adverse effects to the surface or ground water. The KOA Campground is subject to an annual county inspection and occupancy permit prior to opening to ensure proper operation of septic systems. Septic tanks are checked daily and pumped when approximately 2/3 full during the campground's open period, May 1 - Labor Day (September). On-site water wells are tested monthly during this same period to maintain water quality standards.

(Comments for Section 3 continued on next page.)

2/ Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

► Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

♦♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.



31. Sue Dalbey contacted Karl Christians of DNRC, March 31, 1999, who disclosed the following floodplain information.
- ▶ The eastern most edge of the 30' x' 981' exchange strip at Beaver Lodge FAS is in the 500 year floodplain.
 - ▶ The Beaver Lodge Replacement Property is in the 100 year floodplain, however the portion southeast of Rock Creek is not in the floodway.
- Nearly all of the existing Black Diamond FAS is in the 100 year floodplain and within the floodway.
- The proposed parking area will be located southeast of Rock Creek in the Beaver Lodge Replacement Property at an elevation level with the existing railroad bed, therefore no impact to a designated floodplain will occur. A standard floodplain permit will be obtained from DNRC prior to construction. Construction of the highway approach will require additional fill between the highway and the existing railroad bed, however installation of a culvert as per Montana Department of Transportation (MDOT) requirements should mitigate drainage affects. A standard approach permit will be acquired from MDOT prior to this development.

PHYSICAL ENVIRONMENT

4. <u>VEGETATION</u>	IMPACT [☆]				Can Impact Be Mitigated [☆]	Comment Index
	Unknown [☆]	None	Minor [☆]	Potentially Significant		
Will the proposed action result in:						
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X		yes	4a.
b. Alteration of a plant community?		X				
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				4c.
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?			X			4e.
f. ♦♦For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		X				4f.
Other: <u>N/A</u>						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

4a. The construction of a two- or three-car parking area at the Beaver Lodge Replacement Property will cover a small area (100' x 120') of vegetation located in the highway/railroad right-of-way and atop the abandoned railroad bed. Vegetation currently in this site includes native grasses, and shrubs. Disturbance to the area would be restricted to the immediate areas and only that necessary to complete the project in an attempt to retain any existing vegetation. Areas disturbed by the construction would be graded and seeded with native grasses upon completion of the project.

4c. A search for threatened and endangered species by the Montana Natural Heritage Program (Natural Resource Information System) revealed no species of special concern within 4 miles of the sites being considered in this land exchange. *Hemicarpha drummondii* (Drummond's Heicarpha) was recorded in 1941 approximately five miles from the Beaver Lodge Replacement Property (historically present in MT, secure globally); *Erigeron formosissimus var viscidus* (Beautiful Fleabane) was recorded in 1919 over 4 miles from the Beaver Lodge FAS (extremely rare in MT). The two federally listed (threatened) plants and their critical habitat will not be affected by this project; *Howellia aquatilis* (Water Howellia) is specifically found west of the Continental Divide and *Spiranthes diluvialis* (Ute Ladies'-tresses) is also found much farther west in river meander wetlands.

4e. Areas disturbed during the construction of the new parking area at the Beaver Lodge Replacement Property will be prone to the establishment of noxious weeds. Native grass seed will be planted at the conclusion of the project to re-vegetate the site and provide competition to reduce the establishment of noxious weeds. In addition, mechanical and chemical weed control efforts, under the MFWP Region 5 Weed Management Plan, will include the acquired property and the existing Black Diamond FAS.

(Comments for Section 4 continued on the next page.)

- Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.
- ▶ Include a narrative description addressing the items identified in 12.8.604-1a (ARM)
 - ♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
 - ♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

4f. A. Ray McPhail, Carbon County Conservationist in Joliet, stated to Sue Dalbey on March 24, 1999, that the sites proposed for exchange do not include prime or unique farmlands. The Beaver Lodge FAS is considered in an "urban and built-up area" and is almost entirely covered with woody riparian vegetation. The Beaver Lodge Replacement Property is on the edge of prime farmland, but nearly the entire site consists of railroad right-of-way and riparian areas as does the Black Diamond FAS.

Larry Robson, Regulatory Project Manager for the Billings office of Army Corps of Engineers, visited the Beaver Lodge Replacement Property and found some mottling in the soil profile approximately 13 to 15 inches below the surface in all of three test pits. All vegetation observed within the designated area (approximately 35' x 225' or 0.18 acres) are non-hydrophytic species. This area is considered a non-jurisdictional wetlands, therefore it is not subject to Corps of Engineers jurisdiction pursuant to Section 404 of the Clean Water Act.

- ✧ Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.
- Include a narrative description addressing the items identified in 12.8.604-1a (ARM)
- ◆ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- ◆◆ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

PHYSICAL ENVIRONMENT

► 5. FISH/WILDLIFE Will the proposed action result in:	IMPACT ^o				Can Impact Be Mitigated ^o	Comment Index
	Unknown ^o	None	Minor ^o	Potentially Significant		
a. Deterioration of critical fish or wildlife habitat?		X				
b. Changes in the diversity or abundance of game animals or bird species?		X				
c. Changes in the diversity or abundance of nongame species?		X				
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				5f.
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		X				
h. ♦♦For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f)		X				5f.
i. ♦♦For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d)		X				
j. Other: <u>N/A</u>						

^o Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

5f. A search for threatened and endangered species by the Montana Natural Heritage Program (Natural Resource Information System) revealed no species of special concern within 1 ½ miles of the sites being considered in this land exchange. Report of a *Lampropeltis triangulum* (milk snake) in Joliet was recorded in 1951 (extremely rare in MT, but secure globally).

Dennis Flath, Non-game Coordinator for MFWP stated to Sue Dalbey on May 6, 1999, that the proposed project will not have a significant affect on any animals of special concern in Montana. Wolves have been sighted near the town of Red Lodge. Bald eagles are spring and fall migrants in the area, but the nearest nesting sites are on the Yellowstone River (approximately 10 miles north). The nearest peregrine falcon aviary is 9 miles due south of the Beaver Lodge FAS and their average foraging range is a 10 mile radius.

MFWP Fisheries Manager for this region (5), Jim Darling, confirmed to Sue Dalbey on March 15, 1999, that no threatened or endangered fish occur in Rock Creek. The bull trout and white sturgeon do not inhabit waters east of the Continental Divide. The pallid sturgeon and sturgeon chub are not known to inhabit the upper Rock Creek drainage. The sturgeon chub and sicklefin chub are Candidates for Listing under the Endangered Species Act, but are found in the distant lower Yellowstone River. The arctic grayling is found in the Big Hole River. This project will not affect these species.

The following animals are also federally listed under the Endangered Species Act as:

Endangered - black-footed ferret, whooping crane, least tern;

Threatened - grizzly bear, piping plover, bull trout (Columbia River basin population);

Proposed Threatened - bull trout (St. Mary-Belly River population), Canada lynx (contiguous U.S. population), mountain plover.

These animals are also Candidates for listing as threatened or endangered under the federal Endangered Species Act: swift fox, arctic grayling (fluvial population), warm spring zaitzevian riffle beetle. The proposed project is not expected to impact any federally listed or candidate species or their designated critical habitat.

✱ Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

► Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.



HUMAN ENVIRONMENT

6. <u>NOISE/ELECTRICAL EFFECTS</u>	IMPACT ^o				Can Impact Be Mitigated ^o	Comment Index
	Unknown ^o	None	Minor ^o	Potentially Significant		
Will the proposed action result in:						
a. Increases in existing noise levels?			X		yes	6a.
b. Exposure of people to serve or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				
e. Other: <u>N/A</u>						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

6a. Temporary increases in noise levels can be expected during the construction of the two- or three-car parking area at the Beaver Lodge Replacement Property. Heavy equipment (e.g. dump trucks, backhoe, etc) will be required for construction, though this period will be brief (approximately one week). MFWP contracts of this nature seldom last more than 30 days to complete all facets of the project, including fencing, signing, etc.

HUMAN ENVIRONMENT

7. <u>LAND USE</u>	IMPACT ^o				Can Impact Be Mitigated ^o	Comment Index
	Unknown ^o	None	Minor ^o	Potentially Significant		
Will the proposed action result in:						
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?			X			7a.
b. Conflicts with a designated natural area or area of unusual scientific or educational importance?			X (positive)			7b.
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?			X (positive)			7c.
d. Adverse effects on or relocation of residences?		X				
e. Other: <u>N/A</u>						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

7a. The KOA Campground could lose important earning potential if they lose use of Tract 6 at Beaver Lodge FAS. The encroachment was not constructed maliciously, as neither MFWP nor the KOA owners were aware of the present possession of this strip by MFWP until the KOA pre-sale survey in 1997. MFWP would like to dispose of the parcel and would like to resolve the issue with few conflicts and overall improved benefits to the angling public.

The Black Diamond FAS does show signs of cattle grazing and bank de-stabilization from cattle accessing the creek from the north. This use is not authorized and with the implementation of the proposed acquisition and improvements, the site will be fenced to protect the stream. Continued grazing along the creek could deteriorate fish habitat.

(Comments for Section 7 continued on next page.)

- Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.
- ▶ Include a narrative description addressing the items identified in 12.8.604-1a (ARM)
- ◆ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- ◆◆ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

7b. Tract 6 at Beaver Lodge FAS is currently designated a "natural area" as occurring at most MFWP fishing access sites. MFWP would like to dispose of this parcel in that the original intent would have this property constructed as an access road which is no longer needed. Disposal of this parcel would drop the "natural area" designation and allow the property to be legally used in its current productive status.

A conflict currently exists in that Black Diamond FAS is a public site, but has no public access. The proposed exchange to acquire the Beaver Lodge Replacement Property will rectify this dilemma, providing legal and public access to the FAS.

7c. Neglect or oversight by MFWP and the KOA owners allowed development of private campground facilities on MFWP property. The completion of this proposed exchange will allow KOA to obtain ownership of property which their improvements occupy. It is because of this encroachment that MFWP is addressing the disposal of this unneeded parcel and perhaps obtaining access to the Black Diamond FAS.

HUMAN ENVIRONMENT

8. <u>RISK/HEALTH HAZARDS</u> Will the proposed action result in:	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?		X				
b. Affect an existing emergency response or emergency evacuation plan or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?			X			8c.
d. ♦For P-R/D-J, will any chemical toxicants be used? (Also see 8a)		X				
♦♦ Other: N/A						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

8c. Acquisition of the Beaver Lodge Replacement Property does allow access to the Black Diamond FAS, but only within the stream bank below the high-water mark (as provided under the Montana Stream Access Law of 1978) which joins the two properties. This may encourage anglers or recreationalists to wade the creek which may present certain dangers depending on water levels, necessitating informative signs at the site.

Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

▶ Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

HUMAN ENVIRONMENT

9. <u>COMMUNITY IMPACT</u> Will the proposed action result in:	IMPACT [☆]				Can Impact Be Mitigated [☆]	Comment Index
	Unknown [☆]	None	Minor [☆]	Potentially Significant		
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?			X		yes	9a.
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				9d.
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?			X		yes	9e.
f. Other: <u>N/A</u>						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

9a. When access is provided and signs erected to identify a public site, it is assumed that the site will be used more than when unsigned. Visitation is expected to increase at the Black Diamond FAS when signing and parking is provided. Vehicles parking at the Beaver Lodge Replacement Property will be visible from the highway but mostly hidden by existing vegetation from nearby residences. People using the site will likely be near the creek, which is visible from the residence north of the creek, but not from the highway. The vast majority of visitors to this site will be anglers.

9d. Commercial activity (camping) has been conducted on the Beaver Lodge FAS exchange parcel as part of the KOA Campground; the encroachment was inadvertent. This activity will not change with the completion of the proposed land exchange.

The construction of the highway approach and parking area at the Beaver Lodge Replacement Property will delay or detour traffic for a short time (one week). The addition of another highway entrance will require traffic traveling on Highway 212 to be cautious of vehicles leaving or entering the highway, as they would be at any other private drive or side street. This section of highway provides good visibility to aid in safe ingress and egress.

Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

▶ Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

◆ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

◆◆ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

HUMAN ENVIRONMENT

10. PUBLIC SERVICES/TAXES/UTILITIES	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
Will the proposed action:						
a. Have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify: <u>recreational facilities, roads, public maintenance</u>			X		yes	10a.
b. Have an effect upon the local or state tax base and revenues?		X				
c. Result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Result in increased used of any energy source?		X				
▶ e. Define projected revenue sources						10e.
▶ f. Define projected maintenance costs.						10f.
g. Other: <u>N/A</u>						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

10a. The small parking area and increased visitation will require more maintenance by MFWP Parks and FAS Program. The site will entail minor demands, such as: road/parking grading every five years, weeds control, litter pick-up, fencing and vandalism repairs. Most MFWP fishing access sites do not have trash cans, because the "Pack It Out" litter theory helps reduce solid waste disposal costs.

10e. The KOA Campground will provide the Beaver Lodge Replacement Property to MFWP in exchange for Tract 6 at Beaver Lodge FAS.

Revenue for the improvements below will be obtained from the MFWP Fishing License Dollars from the General Licensing Account or cost-shared through Federal Aid in Sport Fish Restoration program funds:

\$8,000	gravel/culvert for approach & parking at Beaver Lodge Replacement Property
\$1,000	signs
<u>\$2,500</u>	<u>fencing</u>
\$11,500	TOTAL

10f. Maintenance costs average about \$200 depending on the distance personnel must travel to service a particular site. MFWP regional operations budget is used to maintain FAS sites.

Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

▶ Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

◆ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

◆◆ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

HUMAN ENVIRONMENT

▶ 11. <u>AESTHETICS/RECREATION</u> Will the proposed action result in:	IMPACT ^o				Can Impact Be Mitigated ^o	Comment Index
	Unknown ^o	None	Minor ^o	Potentially Significant		
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?			X		yes	11a.
b. Alteration of the aesthetic character of a community or neighborhood?		X				
▶ c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report - Appendix 8)				X (POSITIVE)		11c.
d. ♦ For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c)		X				
e. Other: <u>N/A</u>						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

11a. The parking area for two or three vehicles and road sign at the Beaver Lodge Replacement Property will be in view of Highway 212 and Rock Creek. If visitation justifies installation of a latrine, this would have an aggregate finish which blends well with the natural surroundings. Location of the latrine would be in the least conspicuous location allowing for required distance from Rock Creek and complying with the county sanitation regulations.

The Craigs (landowner adjacent to west and seller of Beaver Lodge Replacement Property) have requested that placement of the parking area be east of existing shrubs (near western property boundary) to help hide parked vehicles from view from their residence. Existing riparian vegetation will also help conceal vehicles from the Isto residence north of Rock Creek and the Black Diamond FAS.

11c. Highway 212 receives a great number of tourists traveling to and from Yellowstone National Park. If the KOA does not retain use of Tract 6 at Beaver Lodge FAS, it is possible that recreationally valuable camp sites would be destroyed, thus reducing the number of tourists able to spend quality time, and longer periods of time, in the Red Lodge area (i.e. increased tourism).

The acquisition of the Beaver Lodge Replacement Property would significantly increase access to a valuable fishing access site on Rock Creek (Black Diamond FAS). Without this parcel, the public has no legal access to a quality recreation site.

Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

▶ Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

HUMAN ENVIRONMENT

12. CULTURAL/HISTORICAL RESOURCES	IMPACT [☆]				Can Impact Be Mitigated [☆]	Comment Index
	Unknown [☆]	None	Minor [☆]	Potentially Significant		
Will the proposed action result in:						
► a. Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?	X					12a.
b. Physical change that would affect unique cultural values?	X					12a.
c. Effects on existing religious or sacred uses of a site or area?		X				
d. ♦♦ For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a)	X					12a.
e. Other: <u>N/A</u>						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

12a. Tract 6 of Beaver Lodge FAS, the Beaver Lodge Replacement Property, and the Black Diamond FAS will be inventoried for cultural resources, and the SHPO will be consulted after their cultural surveys are complete, to ensure proper evaluation of any cultural resources discovered prior to completing the exchange or making any physical improvements.

Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

► Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

HUMAN ENVIRONMENT

13. SUMMARY EVALUATION OF SIGNIFICANCE Will the proposed action, considered as a whole:	IMPACT ^o				Can Impact Be Mitigated ^o	Comment Index
	Unknown ^o	None	Minor ^o	Potentially Significant		
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources which create a significant effect when considered together or in total.)			X (POSITIVE)			13a.
b. Involve potential risks or adverse effects which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?	X					13e.
f. ♦For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e)	X					13e.
g. ♦♦For P-R/D-J, list any federal or state permits required.						13g.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

13a. The proposed land exchange is an effective way of rectifying unrelated problems existing at nearby fishing access sites. The proposal is an accepted legal resolution by USFWS and MFWP and accepted as a commercially and economically beneficial resolution by the KOA Campground owners and the Craigs.

13e. MFWP has received negative comments to date from only one neighboring landowner, who does not want increased visitation at Black Diamond FAS. This landowner was first approached by MFWP for purchase (which he rejected) of property allowing direct access to the site from Highway 212.

A public meeting will be held in Joliet, MT, and public comment will be accepted for at least 30 days. These two actions will help MFWP further gauge public sentiment about the project.

13g. Please refer to those permits listed on page 4, number 10.

Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

2. Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action whenever alternatives are reasonably available and prudent to consider and a discussion of how the alternatives would be implemented:

Alternative A. No Action

"No action" is not a viable alternative regarding Beaver Lodge FAS. MFWP cannot legally allow encroachment on their property, and because Federal Aid in Sport Fish Restoration funding was used to purchase Beaver Lodge FAS, the USFWS (administrator of these funds) also demands rectification of this situation. MFWP could require removal of the encroaching improvements; however, since the agency no longer has a need for the property, it is wasteful of public resources to retain it.

MFWP owns Black Diamond FAS in fee title, but the site has no public access, which is not responsible management by a public land steward. It was believed that access was obtained when the property was purchased in with license dollars 1993; however, a record search by MFWP and a legal representative of the adjacent landowner has revealed this inadequacy. Existing worn paths from pedestrians and vehicles indicate use of Rock Creek in this area, although via illegal trespass or highway right-of-way.

Alternative B. Preferred Action: Land exchange releasing 30' strip at Beaver Lodge FAS to gain parcel adjacent to Black Diamond FAS.

MFWP has determined that an access is not needed to Beaver Lodge FAS from Highway 212. In addition, MFWP does not have title to the railroad right-of-way yielding access from Tract 6 to the highway. This property was purchased using Sport Fish Restoration Funding, therefore it has restrictions regarding disposal. MFWP is not at liberty to simply deed (sell) the property to the KOA Campground. To dispose of the property, it must be placed out for public bid or exchanged for property of equal value. Either action must have prior approval by the USFWS. MFWP also has no desire to jeopardize the potential profits of the KOA if a reasonable exchange can be agreed to.

When the question of accessibility was raised at Black Diamond FAS, several options were explored. First, MFWP verified that they did not own the Northern Pacific Railway right-of-way providing direct access to the FAS. Second, the current owner of this right-of-way (Isto) was approached to purchase the property or enter an easement/lease agreement. These options were denied by the landowner, who does not want more public use near his property. Third, the only other landowner (Craig) with property adjacent to the Black Diamond FAS did consent to selling a parcel providing parking and access to the site. With this concurrence, the KOA Campground owners are pursuing purchase of the Beaver Lodge Replacement Property in exchange for Tract 6 at Beaver Lodge FAS. The specific details of the exchange will be contingent upon appraisal values of the properties involved.

Minimum development at the Beaver Lodge FAS is proposed in the near future to include highway signs identifying the site, a gravel parking area to accommodate two-three vehicles, boundary fencing, and a small MFWP regulations sign. Current highway right-of-way parking is unsafe, degrades vegetation, and does not adequately identify public access to adjacent public land. Future development will be determined by site use and/or public input to possibly include a latrine.

Alternative C. MFWP sells Tract 6 of Beaver Lodge FAS through bidding process; MFWP purchases Beaver Lodge Replacement Property from Craig.

This option would leave the outcome and future use of the Beaver Lodge Replacement Property less secure and possibly jeopardize area resources, including the remainder of Beaver Lodge FAS. The current use and maintenance (by KOA Campground owners) of Tract 6 is, in part, for the benefit of the recreating public, which coincides with the goals of MFWP fishing access sites. The campground location encourages public access to Beaver Lodge FAS and through the nature of the business, KOA will maintain their property to encourage visitation. To place Tract

6 up for auction, would not be in the best interest of MFWP as a steward of the environment, nor of the neighboring landowners, not knowing who might attain the land bid or how it may or may not be developed.

MFWP does have a Fishing Access Site Acquisition fund, however other sites in the state have higher priority due to area use and need. The preferred alternative has the potential to resolve two problems with little or few disputes, using money from the fair market buying and selling of property.

Finally, MFWP is not at liberty to simply sell the Beaver Lodge Property. As was noted under both alternatives A & B above, MFWP cannot sell (or exchange) any property that was acquired with Federal Aid funding without receiving approval from the USFWS prior to any such action.

3. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

Please refer to permits required as listed in Part 1, number 10, page 4. MFWP will be responsible for ensuring that all state and federal regulations are followed and permits attained for the construction at the Beaver Lodge Replacement Property. This action is usually accomplished through the regional office staff (Billings), or the Helena Design and Construction Bureau.

The USFWS administers Federal Aid Sport Fish Restoration funds which were used to purchase the Beaver Lodge FAS in 1960. Under project F-22-L, it is essential to maintain the full value of those funds to ensure the public receives the full benefit of their tax dollars. The encroachment at Beaver Lodge FAS is not permissible. The proposed action mitigates the encroachment in a manner acceptable to the USFWS. If the current situation is not rectified, MFWP risks losing Sport Fish Restoration funds in the future. The Federal Aid Coordinator for MFWP will keep the USFWS fully apprised of exchange proceedings to ensure proper use of the original funding, including submitting an amended application for federal assistance prior to the exchange.

DNRC monitors construction in the flood-way zones. Karl Christians with Helena DNRC reviewed Carbon County floodplain maps which indicated Beaver Lodge Replacement Property is partially in the floodway where construction is prohibited. Fill for the parking area could be installed to the east of the abandoned Northern Pacific Railroad bed in the floodway fringe. A latrine also could be installed in the railroad bed area if determined necessary due to high visitation. The entire Black Diamond FAS is within the 100-year floodplain, and nearly all of this site is within the floodway, thus eliminating possible development in this area.

It is standard for MFWP contracts to require construction disturbance to be kept to the area immediately surrounding the building site, thereby keeping this disturbed area as small as possible. In addition, any ground disturbed surrounding a site is planted with native grass seed. These methods help to limit weed infestation and damage to existing vegetation, aid in re-vegetating the area, and limit erosion and future maintenance.

4. Based on the significance criteria evaluated in this EA, is an EIS required? NO If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action.

This environmental review revealed no significant negative impacts from the proposed action; therefore an EIS is not necessary. A MEPA Environmental Assessment is the appropriate level of analysis.

5. Describe the level of public involvement for this project if any and, given the complexity and the seriousness of the environmental issues associated with the proposed action, whether the level of public involvement is appropriate under the circumstances.

The public will be notified in the following manners to comment on the EA, the proposed action and alternatives:

- six legal notices: two notices published one week apart in each of these three newspapers: Billings Gazette, Carbon County News, and the Helena Independent Record;
- one legal notice on Montana's electronic bulletin board;
- one statewide press release.

Copies of the EA will be mailed directly to several of the proposed sites' neighboring land owners and the parties involved, to ensure their knowledge of the proposed action.

A public meeting will be held to enable the public to address any questions about the proposed action. The meeting will be held

Tuesday, June 15, 1999
7:00 p.m.
Joliet community Center
Joliet, MT

The opportunities for public input listed above are appropriate for the proposed actions since little or no negative environmental impacts are identified.

6. Duration of comment period if any:

Thirty (30) days following the publication of the second legal notice will be provided for comment. Written comments can be sent to the following address before 5:00 p.m. on Saturday, July 17, 1999:

MT Fish, Wildlife & Parks
Attn. Jim Darling
2300 Lake Elmo Dr.
Billings, MT 59105

7. Name, title, address and phone number of the Person(s) Responsible for Preparing the EA:

Sue Dalbey
Independent Contractor
Dalbey Resources
926 N. Lamborn St.
Helena, MT 59601
406-443-8058

Jim Darling
Region 5 Fisheries Manager
MFWP
2300 Lake Elmo Dr.
Billings, MT 59105
406-247-2961

Darlene Edge
Program Specialist
MFWP Lands Unit
PO Box 200701
Helena, MT 59620-0701
406-444-4042

PART III. NARRATIVE EVALUATION AND COMMENT

The proposed land exchange addresses two unrelated land issues in an effective manner. At the Beaver Lodge FAS, MFWP owns Tract 6, which is no longer needed nor available for its original intent as an access to the site. The KOA Campground can productively use Tract 6 and has pursued negotiations to acquire a piece suitable for exchange. This cooperation not only aids MFWP in disposing of the excess Beaver Lodge FAS property, but also aids in providing access to another FAS which is unavailable to the public. Black Diamond FAS was purchased with the understanding that ownership the Northern Pacific Railroad right-of-way was included. Unfortunately, this right-of-way was not a legal part of the purchase, therefore this FAS near Joliet is not readily accessible without purchasing adjacent property. The Craigs are willing to sell a small parcel to KOA who would then exchange lands with MFWP. The Beaver Lodge Replacement Property would provide the needed off-road parking for public use of the Black Diamond FAS.

This environmental assessment reveals several minor impacts, many of which are associated with the brief construction period at the Beaver Lodge Replacement Property, such as noise pollution, loss of vegetation, traffic hazards, etc. Weed management is a regular maintenance task at MFWP sites, in cooperation with the County Weed Supervisor. Land uses of the proposed sites will benefit the parties directly involved with the exchange as well as the recreating public. The understandable desire of an adjacent landowner to have the public directed elsewhere must be balanced with a strong public desire for access. Governmental services required after the exchange will be minimal, as is the case with many of the area fishing access sites.

The sites do occupy the Rock Creek floodplain; however, improvements made to the Beaver Lodge Replacement Property are permissible with the appropriate permits and coordination with local, state and federal agencies. Prime and unique farmlands are not affected, nor are any threatened or endangered plant or animal species. The wetlands area affected is small and non-jurisdictional.

Rock Creek is a popular fisheries for anglers wading and bank-fishing for rainbow and brown trout. It is obvious by the vegetation deterioration along the highway right-of-way near the Black Diamond FAS, that the public desires access to the creek. This land exchange is appropriate for MFWP to pursue as a steward of Montana's fish and wildlife, and as an agency responsible for providing access to sites appropriate for enjoying these resources.

Appendices:

1. HB495 Qualification Checklist
2. Area Map
3. Beaver Lodge FAS Location Map
4. Beaver Lodge Replacement Property & Black Diamond FAS Location Map
5. Beaver Lodge FAS Certificate of Survey
6. Beaver Lodge Replacement Property Certificate of Survey
7. Black Diamond FAS Certificate of Survey
8. Tourism Report
9. State Historic Preservation Office (SHPO) Correspondence

APPENDIX 1
HB495
PROJECT QUALIFICATION CHECKLIST

Date March 22, 1999

Person Reviewing Sue Dalbey of Dalbey Resources

Project Location: Beaver Lodge FAS: approximately 6 miles north of Red Lodge off Highway 212, Carbon County, T6S, R20E, Section 35.

Beaver Lodge Replacement Property and Black Diamond FAS: approximately 1 mile south of Joliet on Highway 212, Carbon County, T4S, R22E, Section 22.

DESCRIPTION OF PROPOSED WORK: Exchange 0.67 acres at Beaver Lodge FAS for approximately 1 acre adjacent to Black Diamond FAS allowing access to existing 2.14 acres. Construct parking area for 2 or 3 vehicles, erect signs, and fence the perimeter of entire Black Diamond FAS property.

The following checklist is intended to be a guide for determining whether a proposed development or improvement is of enough significance to fall under HB 495 rules. (Please check ☒ all that apply and comment as necessary.) Capital Construction projects - prepared by D & C; Force Account projects - prepared by Region.

☐ A. New roadway or trail built over undisturbed land?

Comments: A new roadway and culvert must be built over the existing highway barrow pit and the abandoned Northern Pacific railroad bed to provide a small parking area (100'x120'). This area has previously been disturbed for the construction of these existing roadways. Rip rap has secured the creek channel/railroad bed along the entire length of the Replacement Property and Black Diamond FAS.

☐ B. New building construction (buildings <100 sf and vault latrines exempt)?

Comments: None

☐ C. Any excavation of 20 c.y. or greater?

Comments: None

☒ D. New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more?

Comments: A new parking area for two or three vehicles will be built to provide access to and off-highway parking for Black Diamond FAS; however, the area has been previously disturbed during construction of the highway and the abandoned railway.

☐ E. Any new shoreline alteration that exceeds a double wide boat ramp or handicapped fishing station?

Comments: None

☐ F. Any new construction into lakes, reservoirs, or streams?

Comments: None

☐ G. Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)?

Comments: To be determined by SHPO survey prior to completion of land exchange.

☐ H. Any new above ground utility lines?

Comments: None

☐ I. Any increase or decrease in campsites of 25% or more of an existing number of campsites?

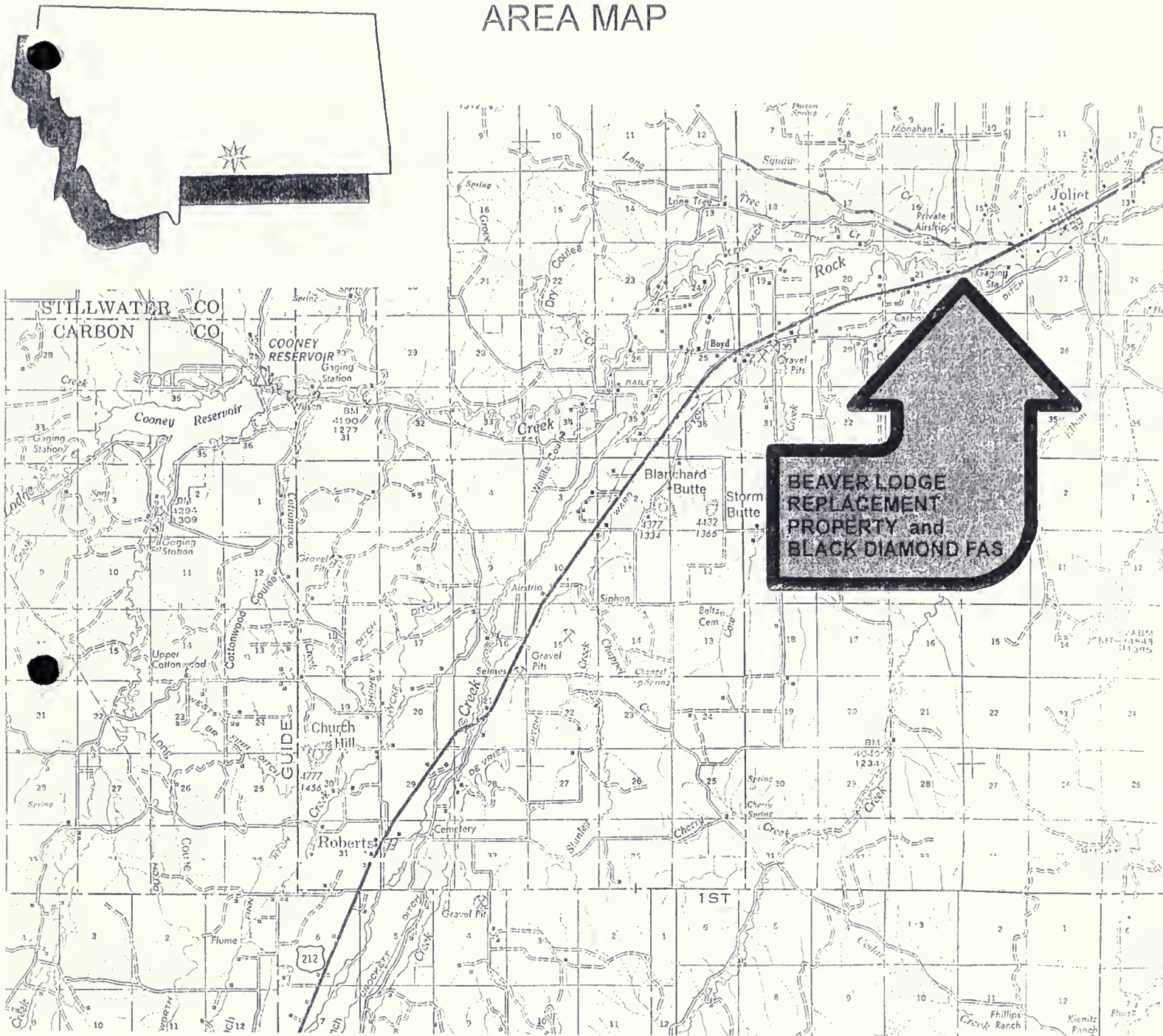
Comments: None

☒ J. Proposed project significantly changes the existing features or use pattern; including effects of a series of individual projects?

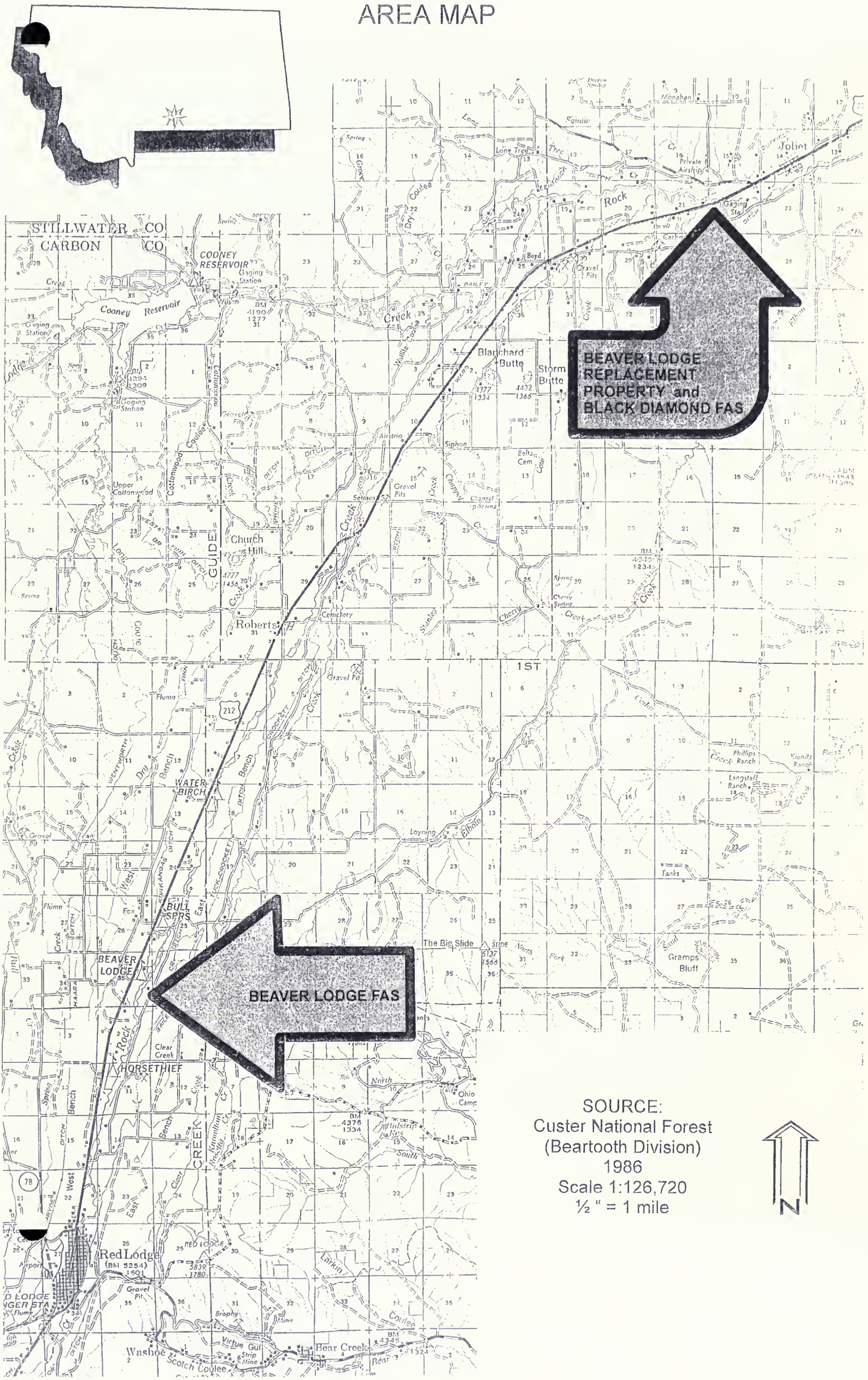
Comments: Current access to Black Diamond FAS is difficult without crossing private land. Construction of a parking area and a highway site name sign will provide formal public parking where none is currently available. The site will likely receive more use due to formal site recognition.

If any of the above are checked, HB 495 rules apply to this proposed work and should be documented on the MEPA/HB495 CHECKLIST. Refer to MEPA/HB495 Cross Reference Summary for further assistance.

APPENDIX 2 AREA MAP



APPENDIX 2
AREA MAP



SOURCE:
Custer National Forest
(Beartooth Division)
1986
Scale 1:126,720
1/2" = 1 mile



APPENDIX 3

Beaver Lodge FAS Location Map

Approximate property boundaries

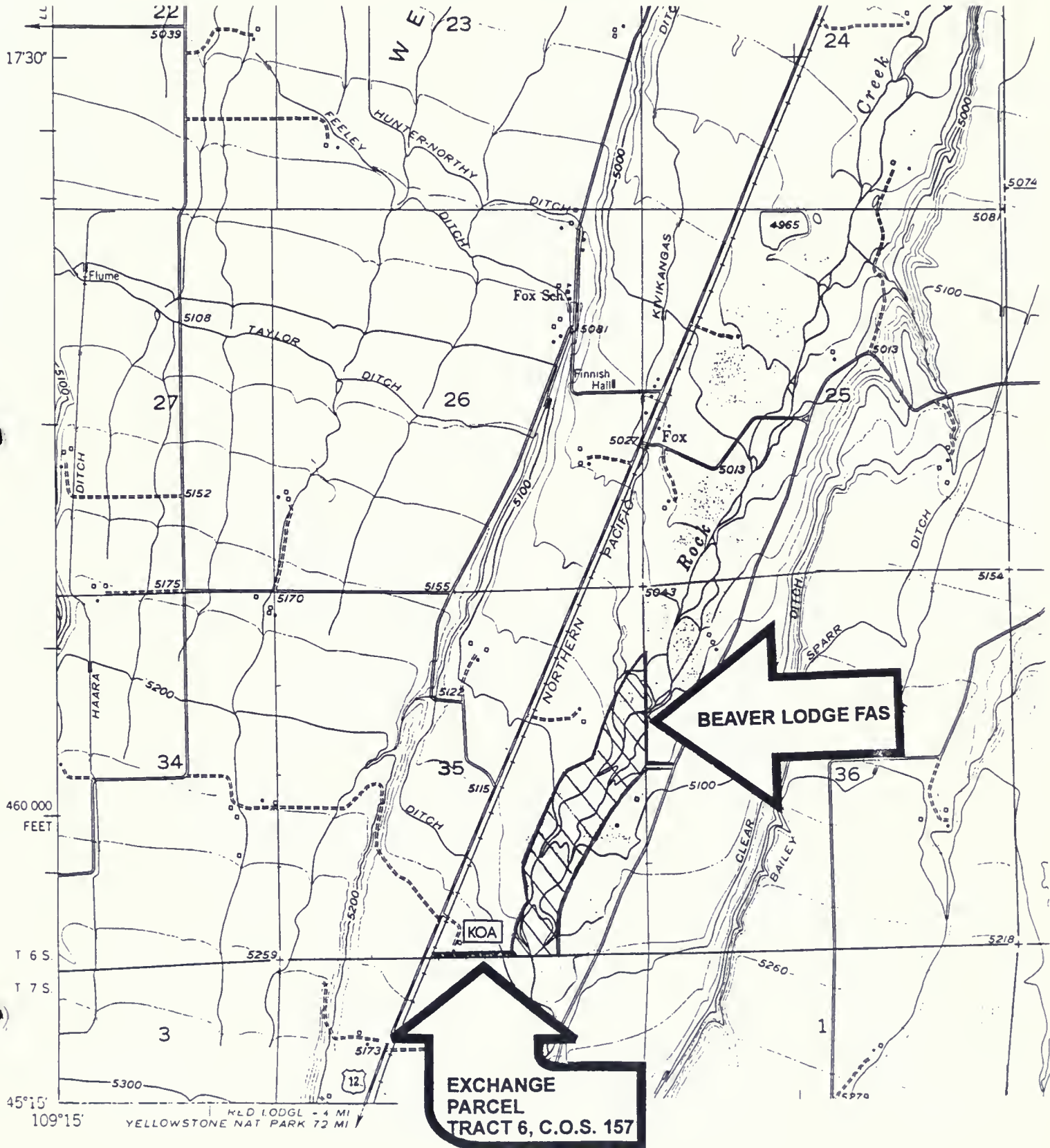
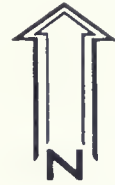
Entire FAS = 59.95 acres

Exchange Parcel = 0.67 acres

7.5 minute 1956 USGS Roberts Quadrangle

Carbon County, MT

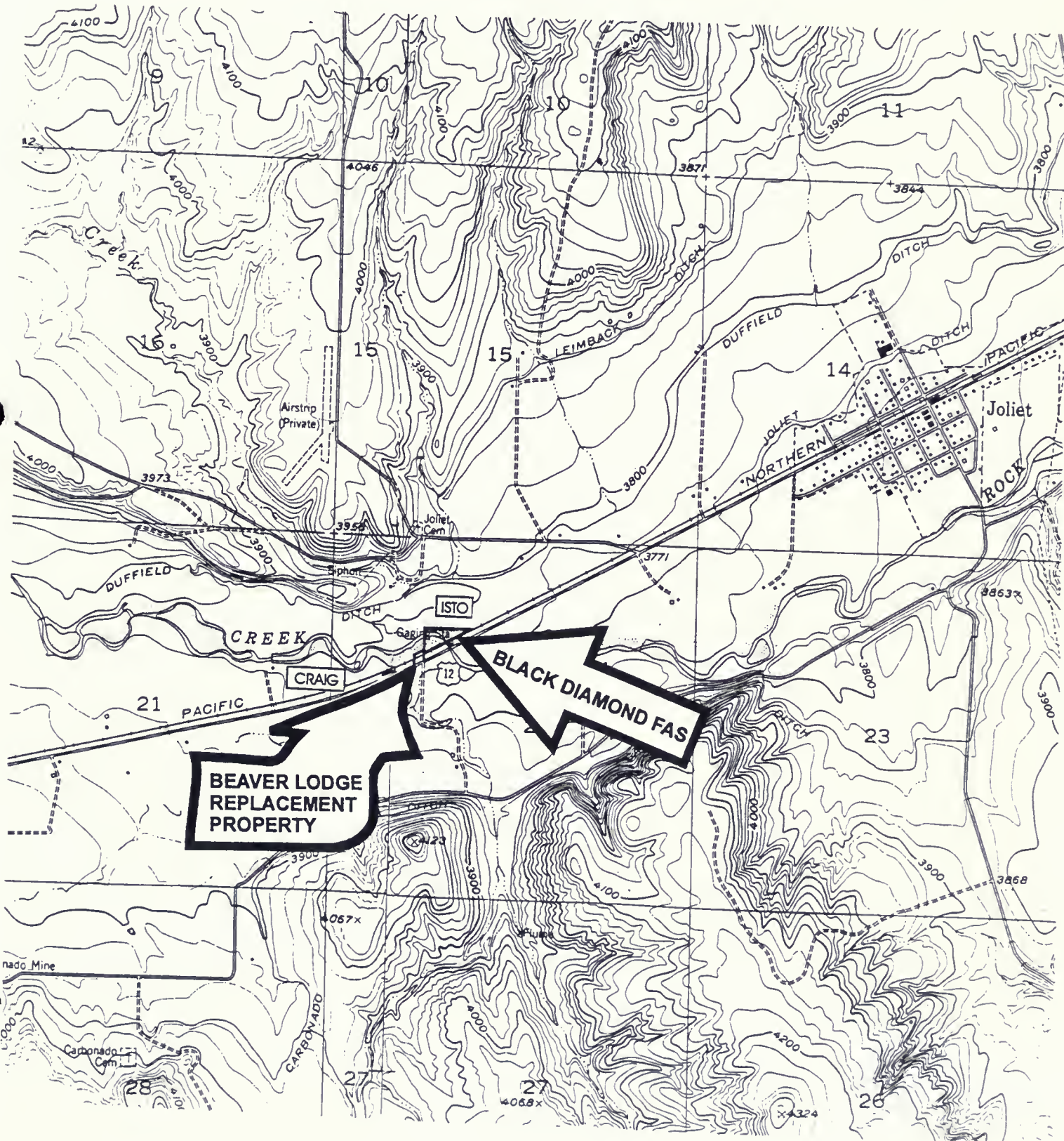
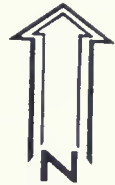
T20E, R6S, Section 35



APPENDIX 4

Beaver Lodge Replacement Property & Black Diamond FAS Location Map

Approximate property boundaries
Replacement Property = ??????acres
Black Diamond FAS = 2.14 acres
7.5 minute, 1956 USGS Fromberg & Boyd Quadrangles
T4S, R22E, Section 22



APPENDIX 5

Beaver Lodge FAS Certificate of Survey

Date of survey - 7-27-98

Not to scale - reduced for duplication

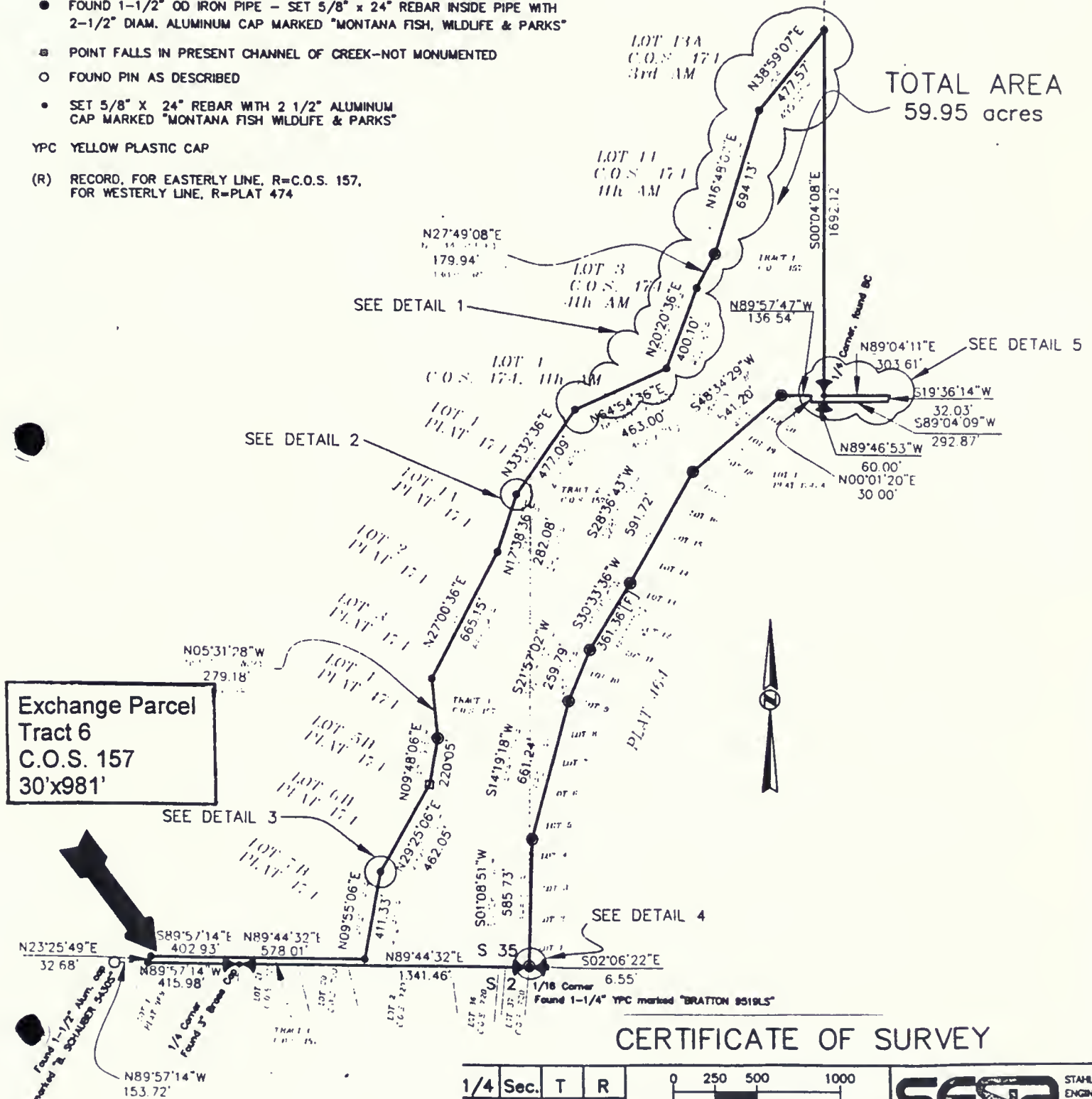
S 26 S 25
S 35 S 36

LEGEND

- FOUND 1-1/2" OD IRON PIPE - SET 5/8" x 24" REBAR INSIDE PIPE WITH 2-1/2" DIAM. ALUMINUM CAP MARKED "MONTANA FISH, WILDLIFE & PARKS"
- POINT FALLS IN PRESENT CHANNEL OF CREEK-NOT MONUMENTED
- FOUND PIN AS DESCRIBED
- SET 5/8" X 24" REBAR WITH 2 1/2" ALUMINUM CAP MARKED "MONTANA FISH WILDLIFE & PARKS"

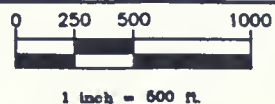
YPC YELLOW PLASTIC CAP

(R) RECORD, FOR EASTERLY LINE, R=C.O.S. 157,
FOR WESTERLY LINE, R=PLAT 474



CERTIFICATE OF SURVEY

1/4	Sec.	T	R
☒	35	6 S	20 E
☒	36	6 S	20 E
☐			



COUNTY: CARBON
PRINCIPAL MERIDIAN, MONTANA

SESA STAHLY
ENGINEERING
&
ASSOCIATES
Consulting Engineers & Land Surveyors
2687 Airport Rd., Helena, MT. 59601 442-B

DATE: 5-19-98
REVISED: 7-27-98
DWG 2-42 DWG

SHEET NO.
1 OF 1

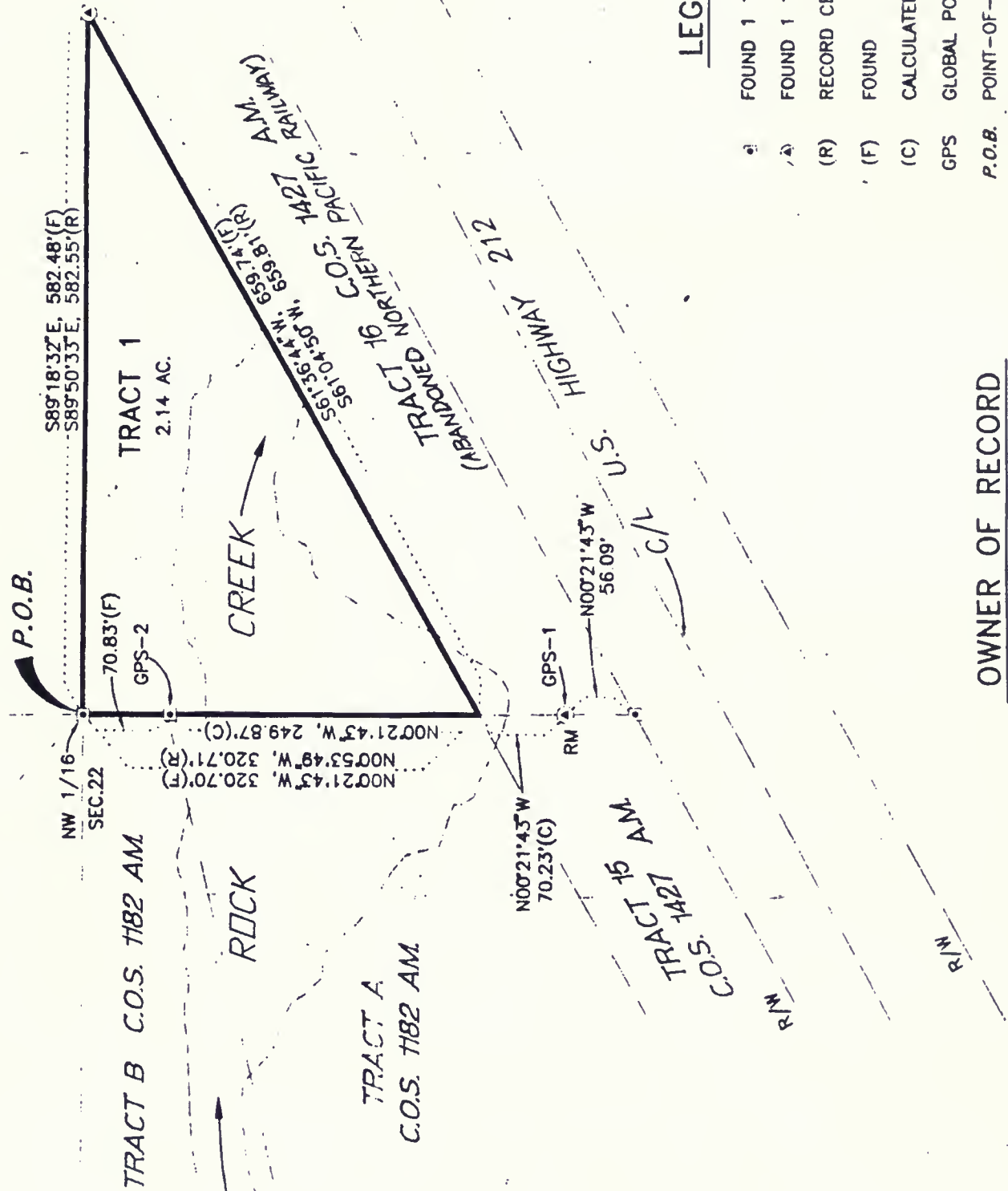
PARCEL 2 C.O.S. 1185

APPENDIX 6

Black Diamond FAS Certificate of Survey

Date of survey - 8/95

Not to scale - reduced for duplication



LEGEND

- FOUND 1 1/2" CAP MKD. 5430 S.
- FOUND 1 1/4" YPC MKD. 9519 LS.
- RECORD CERTIFICATE OF SURVEY NO. 1615
- FOUND
- CALCULATED
- GPS GLOBAL POSITIONING SYSTEM
- P.O.B. POINT-OF-BEGINNING
- R/W RIGHT-OF-WAY
- RM REFERENCE MONUMENT

OWNER OF RECORD

STATE OF MONTANA
DEPARTMENT OF FISH,
WILDLIFE AND PARKS

PREPARED BY :



APPENDIX 8

MONTANA ENVIRONMENTAL POLICY ACT (MEPA)/HB495 TOURISM REPORT

The Montana Department of Fish, Wildlife and Parks has initiated the review process as mandated by HB495 and the Montana Environmental Policy Act in its consideration of the project described below. As part of the review process, input and comments are being solicited. Please complete the project name and project description portions and submit this form to:

Victor Bjornberg, Tourism Development Coordinator
Travel Montana-Department of Commerce
PO Box 200533
1424 9th Ave.
Helena, MT 59620-0533

Project Name: Beaver Lodge Fishing Access Site Land Exchange

Project Description: Land exchange involving two fishing access sites (FAS) on Rock Creek, north of Red Lodge. Dispose of 0.67 acres at Beaver Lodge FAS in exchange for approximately one (1) acre adjacent to Black Diamond FAS allowing access to the existing 2.14 acre FAS. Construct parking area for 2-3 vehicles, erect signs, and fence the perimeter of entire Black Diamond FAS property and newly acquired parcel.

1. Would this site development project have an impact on the tourism economy?
☐ NO ☒ YES If YES, briefly describe:
The project appears to be a benefit to local
visitor services by providing access to a
currently inaccessible public fishing access site
2. Does this impending improvement alter the quality or quantity of recreation/tourism opportunities and settings?
☐ NO ☒ YES If YES, briefly describe:
The project appears to improve both the
quality and quantity of recreation opportunities
by opening up a local fishing access site
to the public.

Signature

Victor Bjornberg

Date

Apr. 6, 1999

APPENDIX 9
STATE HISTORIC PRESERVATION OFFICE
(SHPO) CORRESPONDENCE



MONTANA HISTORICAL SOCIETY
HISTORIC PRESERVATION OFFICE

1410 8th Avenue ♦ PO Box 201202 ♦ Helena, MT 59620-1202 ♦ (406) 444-7715 ♦ FAX (406) 444-6575

April 15, 1999

PAUL VALLE
FWP
POB 200701
HELENA MT 59620-1201

RE Beaver Lodge FAS

Paul:

Thank you for you additional information on the proposed exchange. I would not think inventory of the 30' strip of outgoing land warrants inventory, though as you point out, USFWS approval is necessary.

It is not clear to me from the plat map, what kinds of disturbance may have impacted the area, though it is possible that survey will not be warranted, once development plans are proposed.

Thanks,

Stan

RECEIVED

APR 16 1999

DESIGN & CONSTRUCTION
DEPT. OF FISH, WILDLIFE & PARKS

